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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,107	03/24/2005	Dawson W Hastings	0811-0197.02	1777

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200 WEST ADAMS STREET
CHICAGO, IL 60606

EXAMINER

COLLADO, CYNTHIA FRANCISCA

ART UNIT	PAPER NUMBER
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3618

MAIL DATE	DELIVERY MODE
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07/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,107

Applicant(s)

HASTINGS, DAWSON W

Examiner

Cynthia F. Collado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/24/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 and 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamagiwa et al (US Patent No.5, 101,924).

Regarding claim 1, Yamagiwa discloses a frame supporting at least three ground-engaging wheels (col 17, lines 1-10), an engine supported by virtue of the frame; a drive assembly for one or more of the ground-engaging wheels; a continuously variable transmission unit in operative engagement with the engine and supported by operation of the frame (fig 2, elements 30 and 31), a housing of the continuously variable transmission (fig 2, element 28), said housing including a peripheral wall positioned between opposing members and transmission components therewithin (fig 2, element 48), the housing having an inlet thereinto and an outlet therefrom (fig 2, element 28), wherein at least a selected one of the inlet and said outlet is disposed at a position along the peripheral wall (fig 3, elements 43 and 55), a fan unit positioned in operative fluid-passing relationship with the inlet to the housing (fig 21, elements 53 and 74), the fan unit impelling ambient air into the housing so as to impart a positive pressure within the housing and develop an air flow out of the housing through at least the outlet port of the housing, thereby minimizing risk of intrusion into the housing of

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moisture, dust and/or dirt (fig 2, element 55).

Regarding claim 2, Yamagiwa discloses wherein both of said inlet and said outlet are disposed at positions along said peripheral wall.

Regarding claims 3 and 4, Yamagiwa discloses peripheral wall further including an upper portion, wherein at least a selected one of said inlet and said outlet is disposed at a position along the upper portion of said peripheral wall (fig 2, elements 44 and 55).

Regarding claim 5, Yamagiwa discloses wherein said housing, said inlet, and said outlet define a generally longitudinal enclosed air flow path between said inlet and said outlet (fig 2, element 44 and 55).

Regarding claim 6, Yamagiwa discloses wherein the inlet and outlet are at generally opposing end portions of the housing (fig 2, elements 43 and 55).

Regarding claim 7, Yamagiwa discloses wherein the inlet and said outlet are positioned so that the fan unit imparts positive pressure throughout substantially the entire housing (fig 2, elements 43, 53, 74 and 55).

Regarding claim 8, Yamagiwa discloses wherein the airflow path crosses all of the transmission components within the housing (fig 2).

Regarding claim 9, Yamagiwa discloses a fan unit further including a filter for preventing ingress of outside particulates (fig 4, elements 46).

Regarding claim 10, Yamagiwa discloses a fan unit further including a power line, wherein the power line provides power to the fan, the power line operating independently of said transmission components (col 6, lines 25-32).

Regarding claim 13, Yamagiwa discloses the housing having an upstream portion, a downstream portion, an inlet thereinto disposed at the upstream portion of said housing, and an outlet therefrom disposed at the downstream portion of said housing (fig 2, elements 43,49,55), and a fan unit positioned in operative fluid-passing relationship with the inlet to the housing, the fan unit impelling ambient air into the housing so as to impart a positive pressure within the housing and develop an air flow in a generally longitudinal direction from said upstream portion to the downstream portion and out of said housing through at least the outlet port of the housing (fig 2, elements 53 and 74), thereby minimizing risk of intrusion into the housing of moisture, dust and/or dirt (col 3, lines 41-49).

Regarding claim 14, Yamagiwa discloses wherein said inlet and the outlet are positioned so that the fan unit imparts positive pressure throughout substantially the entire housing (fig 2, elements 43,53,74 and 55).

Regarding claim 15, Yamagiwa discloses, wherein said housing, said inlet, and said outlet define a generally longitudinal enclosed airflow path between said inlet and the outlet (fig 2, elements 43,49 and 55).

Regarding claim 16, Yamagiwa discloses, wherein said air flow path crosses all of the transmission components within the housing (fig 2).

Regarding claim 17, Yamagiwa discloses the fan unit further including a power line, wherein the power line provides power to the fan, said power line operating independently of said transmission components (col 6, lines 25-32).

Regarding claims 18-20, Under the principles of inherency, if a prior art device, in it's normal and usual operation, would be necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the specification for carrying out the claimed method, it can be assumed the device will inherently perform the claimed process. *In re King*, 801 F.2d 1324,231 USPQ 136 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagiwa in view of Ward et al (US Patent No.6, 633,800).

Regarding claim 11, Yamagiwa discloses a utility vehicle however lacks the teaching of an oil pressure-monitoring unit. Attention is given to the Ward reference further disclosing an oil pressure-monitoring device (fig 2), wherein the power line is operatively coupled to the oil pressure-monitoring unit (fig 2, element 20). Based on the teaching of Ward, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the utility vehicle of Yamagiwa to include a oil pressure monitoring device as in Ward in order to better monitor the performance of the vehicle.

Regarding claim 12, (although the prior art fails to state that the outlet further includes an air exhaust hose associated with the outlet for directing air away from the housing enclosure), examiner takes official notice that it would have been obvious to

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one of ordinary skill in the art at the time of the invention was made to include exhaust hose associated with the outlet in order to transmit air under pressure.

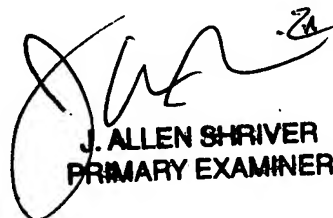
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia F. Collado whose telephone number is (571)2728315. The examiner can normally be reached on mon-fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571)2726914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CFC
6/28/07


J. ALLEN SHRIVER
PRIMARY EXAMINER